

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3000
)	
v.)	
)	MEMORANDUM AND ORDER
LEONARD J. YANKTON,)	
)	
Defendant.)	

The defendant has moved to continue trial, (filing no. [34](#)), because a key witness for the defense is unavailable on April 26, 2010, the current trial date, and will remain unavailable for an additional sixty days. The government does not oppose the requested continuance. The Court finds defendant's motion will be granted.

IT IS ORDERED:

- 1) Defendant Leonard J. Yankton's motion to continue, (filing no. [34](#)), is granted.
- 2) The trial of this case is set to commence before the district judge at 9:00 a.m. on June 21, 2010 for a duration of two trial days. Jury selection will be at the commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion and the representations of his counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and June 21, 2010 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7).

April 15, 2010.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge